

House File 2315

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AN ACT

1 4 RELATING TO AGRICULTURAL CONSERVATION PRACTICES.

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1 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 8 Section 1. Section 468.126, subsection 1, paragraph c,

1 9 Code 2003, is amended to read as follows:

1 10 c. If the estimated cost of a repair exceeds ~~ten~~ fifteen

1 11 thousand dollars, or seventy-five percent of the original

1 12 total cost of the district and subsequent improvements,

1 13 whichever is the greater amount, the board shall set a date

1 14 for a hearing on the matter of making the proposed repairs,

1 15 and shall give notice as provided in sections 468.14 through

1 16 468.18. If a hearing is required and the estimated cost of

1 17 the repair exceeds twenty-five thousand dollars, an engineer's

1 18 report or a report from the soil and water conservation

1 19 district conservationist shall be presented at the hearing.

1 20 The requirement of a report may be waived by the board if a

1 21 prior report on the repair exists and that report is less than

1 22 ten years old. The board shall not divide proposed repairs

1 23 into separate programs in order to avoid the notice and

1 24 hearing requirements of this paragraph. At the hearing the

1 25 board shall hear objections to the feasibility of the proposed

1 26 repairs, and following the hearing the board shall order that

1 27 the repairs it deems desirable and feasible be made. Any

1 28 interested party has the right of appeal from such orders in

1 29 the manner provided in this subchapter, parts 1 through 5.

1 30 Sec. 2. Section 468.126, subsection 2, Code 2003, is

1 31 amended to read as follows:

1 32 2. In the case of minor repairs, or in the eradication of

1 33 brush and weeds along the open ditches, not in excess of ~~ten~~

1 34 fifteen thousand dollars where the board finds that a saving

1 35 to the district will result the board may cause the repairs or

2 1 eradication to be done by secondary road equipment, or weed

2 2 fund equipment, and labor of the county and then reimburse the

2 3 secondary road fund or the weed fund from the fund of the

2 4 drainage district thus benefited.

2 5 Sec. 3. Section 468.126, subsection 4, paragraph a, Code

2 6 2003, is amended to read as follows:

2 7 a. When the board determines that improvements are

2 8 necessary or desirable, the board shall appoint an engineer to

2 9 make surveys as seem appropriate to determine the nature and

2 10 extent of the needed improvements, and to file a report

2 11 showing what improvements are recommended and their estimated

2 12 costs, which report may be amended before final action. If

2 13 the estimated cost of the improvements does not exceed ~~ten~~

2 14 fifteen thousand dollars, or twenty-five percent of the

2 15 original cost of the district and subsequent improvements,

2 16 whichever is the greater amount, the board may order the work

2 17 done without notice. The board shall not divide proposed

2 18 improvements into separate programs in order to avoid the

2 19 limitation for making improvements without notice. If the

2 20 board deems it desirable to make improvements where the

2 21 estimated cost exceeds the ~~ten~~ fifteen thousand dollar or

2 22 twenty-five percent limit, the board shall set a date for a

2 23 hearing on the matter of constructing the proposed

2 24 improvements and also on the matter of whether there shall be

2 25 a reclassification of benefits for the cost of the proposed

2 26 improvements, and shall give notice as provided in sections

2 27 468.14 through 468.18. At the hearing the board shall hear

2 28 objections to the feasibility of the proposed improvements and

2 29 arguments for or against a reclassification presented by or

2 30 for any taxpayer of the district. Following the hearing the

2 31 board shall order that the improvements it deems desirable and

2 32 feasible be made, and shall also determine whether there

2 33 should be a reclassification of benefits for the cost of

2 34 improvements. If it is determined that a reclassification of

2 35 benefits should be made the board shall proceed as provided in

3 1 section 468.38. In lieu of publishing the notice of a hearing

3 2 as provided by this subsection the board may mail a copy of

3 3 the notice to each address where a landowner in the district

3 4 resides by first class mail if the cost of mailing is less

3 5 than publication of the notice. The mailing shall be made

3 6 during the time the notice would otherwise be required to be
3 7 published.

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3 11 _____
3 12 CHRISTOPHER C. RANTS
3 13 Speaker of the House

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3 16 _____
3 17 JEFFREY M. LAMBERTI
3 18 President of the Senate

3 19

3 20 I hereby certify that this bill originated in the House and
3 21 is known as House File 2315, Eightieth General Assembly.

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3 25 _____
3 26 MARGARET THOMSON
3 27 Chief Clerk of the House

3 28 Approved _____, 2004

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3 31 _____
3 32 THOMAS J. VILSACK

3 33 Governor